

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

STANSON R. HEMPHILL,

*

Petitioner - Defendant,

CASE NO. 1:01-cr-39-2

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JUDGE BECKWITH

-vs-

*

UNITED STATES OF AMERICA ,

*

Respondent - Plaintiff.

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MOTION TO RESET EVIDENTIARY HEARING DATE

COMES NOW, Counsel for the Petitioner-Defendant herein, Stanson R.

Hemphill, and requests that this court reset the Evidentiary Hearing date currently scheduled for

March 7, 2006. In support thereof, Counsel states the following.

1. That this court entered an evidentiary hearing in this case due in part to the claims made by the

Petitioner, at that point acting pro se, as to Robin Hicks' proposed testimony in the case. It is

Counsel's belief that Robin Hicks is a critical witness to the evidentiary hearing.

2. That Counsel retained a private investigator to obtain Ms. Hicks' attendance at the hearing.

Unfortunately, after a search by the private investigator, both leads as to Ms. Hicks' whereabouts

were determined to be different individuals than the Robin Hicks being sought.

3. Counsel, along with the private investigator, is in the process of obtaining additional information from the Petitioner's family to attempt to locate the correct Ms. Hicks. Again, it is believed that Ms. Hicks' testimony will be critical to the hearing in this matter.
4. That the United States will not be harmed by this extension as the Defendant remains incarcerated. Further, Counsel has placed a call to the AUSA in this case, Anthony Springer, to determine his position with regards to the extension; however, he is currently out of the office until March 7, 2006.

WHEREFORE, Counsel respectfully requests that this court reset the hearing date at a date convenient to the Parties.

Respectfully submitted,

s/Kevin M. Schad
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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of electronic filing to the following: Anthony Springer, Office of the U. S. Attorney, 221 E. Fourth Street, Suite 400, Cincinnati OH 45202.

s/Kevin M. Schad
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